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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,076	03/21/2000	Masaki Nishiyama	35.C14367	7359

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

KIM, HAROLD J

ART UNIT PAPER NUMBER

2182

DATE MAILED: 02/23/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

DN

Office Action Summary

Application No.

09/532,076

Applicant(s)

NISHIYAMA, MASAKI

Examiner

Harold Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,11-15,21-25,31-35 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-10,16-20,26-30 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-37 are presented for examination.
2. Applicant's election without traverse of claims 1, 3, 5-10, 16-20, 26-30 and 36 in Paper No. 6 is acknowledged.
3. Claims 2, 4, 11-15, 21-25, 31-35 and 37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species 2-5, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.
4. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant, all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1, 3, 5-7, 9, 10, 16-20, 26-30 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Ejiri, US Patent no. 6,434,643.**

7. In re claim 1, Ejiri shows a peripheral apparatus [15, fig 1] comprising:

connecting means [14 in fig 2] for connecting to a host computer [12, fig 1];

first means [34, fig 2] for, in response to a data reading request [col 7, lines 10-24] which is issued from said host computer, notifying said connecting means of response data in the case where the response data has been prepared and notifying said connecting means of the fact that a response cannot be made in the case where the response data is not prepare yet [col 7, lines 10-24; col 5, lines 49-60];

second means [35, fig 2] for notifying said connecting means of the absence of data to be responded in response to the data reading request which is issued from said host computer [col 7, lines 25-63; col 6, lines 65-66; col 5, lines 49-60]; and

switching means [33, fig 2] for switching said first means and said second means in accordance with a status of the peripheral apparatus [col7, lines 45-49].

8. In re claim 3, Ejiri shows a cable [fig 1] which conforms with a USB standard [col8, line 30].

9. In re claim 5, Ejiri shows said first means notifies of the response data by a data packet [col 5, lines 36-38], and said second means notifies of the fact that said response cannot be made by an Nak packet [col 5, line 52], and notifies of the absence of the data to be responded by a blank packet [col 8, lines 32-33].

10. In re claim 6, Ejiri shows a printer [15, fig 1].

11. In re claim 7, Ejiri shows a scanner [18, fig 1].

12. In re claim 9, Ejiri shows said switching means switches to said second means at a timing when a printer engine operates [col 5, lines 23-26].

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13. In re claim 10, Ejiri shows said switching means switches to said second means at a timing when print data is received [col 5, lines 23-26].

14. In re claims 16-20, Ejiri teaches the apparatus to carry out the operations as set forth in claims 1, 3, 5-7, 9, and 10. Therefore, Ejiri also teaches the method steps in using the apparatus.

15. Claims 26-30 and 36 are rejected under the same rationale as discussed above in claims 1, 3, 5-7, 9, 10 and 16-20.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ejiri, US Patent no. 6,434,643, as applied to claim 1 above. .

18. In re claim 8, Ejiri fails to teach a facsimile. However, Ejiri shows any connectable peripheral device can be attached [col 4, line 52-53]. Official Notice is taken that both the concept and the advantages of providing a facsimile for sending and receiving facsimile. A facsimile is one of peripheral devices. Therefore, it would have been obvious to the ordinary skilled person in the art at the time the invention was made to include the facsimile as a peripheral device is well known to provide a user friendly data communication setting.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Further references of interest are cited on Form PLO-892, which is attachment to this office action.

Any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective December 1, 2003, hand-carried and facsimile-transmitted patent application related incoming correspondences will be to a centralized location.

The centralized fax number is 703 872-9306.

The centralized hand carry paper drop off location is:

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03

Any inquiry of a general nature or relating to the status of this application should be directed to the technology center receptionist whose telephone number is (703) 306-5631.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Kim whose telephone number is (703) 305-1948. The examiner can normally be reached on Monday-Thursday 6 AM - 4:30 PM.

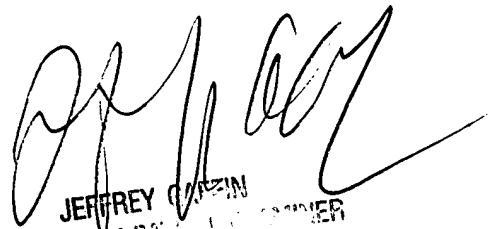
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301.



Harold J. Kim

Patent Examiner

February 17, 2004/HK



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER